

REMARKS

The claims 1-3, 6-12 were rejected under 35 USC 112, first paragraph as failing to comply with the written requirement. Claim 7 was rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-3 and 6-12 were rejected under 35 USC 103(a) as being unpatentable over Samukawa (2002/0003489) in view of Wolfe (2005/0228551).

Claims Rejected under 35 USC 112

The claims 1-3, 6-12 were rejected under 35 USC 112, first paragraph as failing to comply with the written requirement. The Examiner objected to the use addition of the term "manufacturer inaccessible engine presets". The Applicant respectfully traverses this rejection and seeks reconsideration in light of the aforementioned amendments and the following arguments. The claim language was not as recited but was "common consumer inaccessible engine presets". This is well understood with regard to "manufacturer engine presets" that are commonly inaccessible to consumers. One need only attempt to adjust the throttle settings or fuel injection ratio in a modern car to determine that the pre-coded settings of these engine controls are inaccessible to consumers. That said, as the manufacturer pre-coded setting information as discussed in paragraph 47 of the specification is limiting enough, the consumer inaccessible language was dropped from the claims. Therefore, the Applicant submits that all written description requirements are now met.

The 112, second paragraph rejection of claim 7 was due to an improper amendment that left off a portion of the amended language. Claim 7 has been amended in this office action response to bring it into compliance with 35 USC 112, second paragraph. Reconsideration is requested.

Claims rejected under 35 USC 103(a)

Claims 1-3 and 6-12 were rejected under 35 USC 103(a) as being unpatentable over Samukawa (2002/0003489) in view of Wolfe (2005/0228551). The Examiner was not persuaded by the Applicant's previous arguments regarding Samukawa and Wolfe. The Examiner continues to argue that Samukawa teaches the underlying limitations of the present invention with the exception of vehicles under production which is recited by Wolfe. The Applicant respectfully traverses this argument and seeks reconsideration.


Most importantly, the Examiner reads Samukawa as using vision to alter the settings of a vehicle and recites paragraph [0051] of Samukawa. The Applicant respectfully acknowledges the possible broad interpretation of the term settings as originally utilized. The Applicant, however, asserts that the claims clearly refer to replacing the manufacturer pre-coded engine control settings. Samukawa merely teaches altering engine performance (throttle) temporarily during operation in response to collision sensors. Once the collision response is over or the car is restarted, the manufacturer pre-coded engine settings will remain identical as they were when they left the plant. As described in the background of the present application, present systems require a hardwired attachment to alter the manufacturers pre-coded engine settings. The use of a vision system to alter these settings is not taught or suggested by Samukawa or Wolfe either alone or in combination. Reconsideration is formally requested.

Typical vehicle production requires installing a wide variety of manufacturer pre-sets into the vehicle cpu, commonly controlling engine settings. These manufacturer pre-sets are consumer inaccessible in that they must take the vehicle to the manufacturer or a dealer to have these values monitored or changed (often in response to poor engine performance). Similarly, the manufacturer or dealer must couple a central computer physically to the vehicle cpu in order to

modify these pre-sets. These pre-sets are well known and well understood and do not comprise settings that are modified during operation such as in Samukawa and do not constitute a laboratory testing unit as taught in Wolfe. Instead they provide a convenient and novel apparatus that allows vehicle manufacturing pre-sets to be altered by the dealer, a mechanic, or even a consumer where this had previously been unavailable. These presets may be altered without requiring complex computer coupling to the vehicle cpu and are configured to alter values only accessible traditionally by the manufacturer or its agents.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 433-7200 if any unresolved matters remain.

DICKINSON WRIGHT PLLC

By: 
Thomas E. Donohue
Registration No. 44,660
38525 Woodward Avenue, Suite 2000
West Bloomfield, MI 48304-5092
(248) 433-7200

Dated: August 18, 2009